

billion we know is there, and let's do it this year, and let's have the administration mandate they have to do it.

That is another \$5 billion. In two amendments, we would have covered everything we would have cut with the CRs. They are common sense. They match what the American people want us to do. If we had true world bankers, they would be telling us to do it as well. And yet we have not been able to achieve a vote on that amendment.

Then we have the fact that we have unemployed millionaires to the tune of taking, I believe the number is, \$20 million in unemployment checks—people earning \$1 million a year taking \$20 million from the taxpayers of this country for unemployment. We should not let that go on one second longer. Unemployment is for people who desperately need it. It is not for those who do not.

What we have also found is the tremendous cost, as we researched the data on the unemployment for millionaires, that we are spending almost \$5 billion a year to manage the unemployment program in this country at the Federal level, when 85 to 90 percent of the work is done at the State level. We did not even offer that amendment to downsize that activity.

The suggestion I have for my colleagues is let's go back to the debt extension, the statutory debt limit. I am of a mind—and I think the average American, regardless of what the consequences are and all the fear mongering we hear about, oh, you have to do this, you have to do this—I do not think we should do it until we have followed some of the commonsense prescriptions that the average family does in this country before we extend the debt limit. My knowledge of the functioning of this town says it is doubtful we will ever do that.

I call on my colleagues to start thinking about what the real disease is in Washington. The real disease is we do not have the courage to make the very hard choices that are in front of our country today and then live with the results of that in terms of how it is going to impact our political careers.

Everybody has a program they want to protect. The message for America today is every program is going to get hit. The Defense Department is going to get hit. Every program is going to get hit. My taxes are going to go up. Sorry, they are going to go up. This country cannot get out of this mess with the behavior we are exhibiting in this body. And if we fail to do what is necessary for our country at this critical time in our juncture, history will deem us absolutely incompetent.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland.

THE BUDGET

Ms. MIKULSKI. Mr. President, my colleague has talked about the disease in Washington, but I want to talk

about another disease that seems to be running rampant in the House Republican caucus, and that is hypocrisy. Hypocrisy. The reason I say that is they say one thing and they mean another. They say one thing and they deceive the American public.

Ordinarily, I would not comment on the behavior or the tribal mores of the House Republican caucus, but they have had a field day on TV ridiculing the Senate, ridiculing the Democratic Senate, essentially doing a lot of name calling. I am not doing name calling. I am going to do fact describing.

The reason I call it hypocrisy is this: What they say they want to do, which is reduce government spending, they do not. They only do it on particular groups of people.

The other is something called the consequences of the shutdown. Let me say this: They want to cut spending, but they are unwilling to cut their own pay. Sure, I am for a government that is more frugal. I am for cuts. But I am not for their cuts. What they propose is reckless and radical, and when they do not get their own way, they say: Cut it or shut it.

However, I take this position: If there is a government shutdown, I do not think Members of Congress should be paid. If there is a government shutdown and we tell dedicated Federal employees that they are not going to get paid, that they are nonessential, the fact that we could not stop a shutdown shows we are not essential. I believe if there is a shutdown, Members of Congress should not get paid. I not only want to express that as a sentiment, I did that backing Senator BARBARA BOXER's bill which passed the Senate that said if there is a shutdown, Members of Congress do not get paid.

What did the House Republicans do? They passed a bill, I will not go through the details, but on this relevant section they said Members of Congress and the President do not get paid. But guess what. They allow for retroactive payment. The Senate bill does not do that. So they would be the only ones in a shutdown who can come back and pick up that little paycheck they have stuck in a corner. Talk about hypocrisy. That is called bait and switch. It ought to be under some kind of consumer protection law.

Even the title of their bill is wrong. Their bill is called the Government Shutdown Prevention Act. Their bill doesn't stop a shutdown. It doesn't even help with the sitdown. What is a sitdown? We would come to the table as grownup Americans, and we would try to arrive at how to pass a continuing resolution to fund the government that recognizes not only debt but that there are certain aspects of the government programs we need to be able to fund.

My constituents were outraged when Wall Street executives got hundreds of millions of dollars in bonuses. They should be outraged when, as Members of Congress, we are going to get paid when they do not.

Here is what I don't get. My home State is the home of the National Institutes of Health. Right now I have thousands of people working as a team to find the cure for Alzheimer's, for AIDS, for autism, for cancer. We race for the cure, and we should, but we are going to tell those researchers they are nonessential.

Right now there are thousands of Federal employees processing the claims of Social Security, making sure someone who is disabled qualifies for their benefit. They are going to be told they are nonessential.

Let me tell you, on any given day, if somebody, in whatever town they live, goes to their Social Security office and finds it shuttered and they cannot apply for a benefit for which they believe they are eligible, I think they would rather shut us down than that Social Security office be shut down.

Ask anybody in the United States of America who they think is more essential, Members of Congress or the researchers working on a cure for cancer or those people working to defend our borders. I could give example after example; you know where they are.

It is very clear people know they depend, for the functioning of the Federal Government, on a civil service that is honest, that has integrity, counseling us to make sure we keep government doors open while we negotiate the numbers. Numbers do matter. I am ready to come to the table. I believe all Democrats are ready to come to the table. But we will not come to the table to engage in meaningless discussions and pursuing a way that is reckless.

I will discuss about the recklessness more, but I want everybody to understand Democrats in the Senate passed a bill that said if there is a shutdown, we don't get paid, no way, no day, and no backpay. So no way, no backpay. The House, in the meantime, did this sham scam that says: Yes, we will pretend we are not getting paid, but we are going to pick up a backpayment.

I don't get these guys. They want to take away Medicare and turn it into a voucher program, but they are sure happy picking up government health care. They love getting federally subsidized health care. They want to take away other people's pensions, but they sure like getting their Federal employee pensions. I am going to put an end to the hypocrisy, and I am going to put an end to the CR dangling.

I think we need to come to the table and pass a responsible budget that recognizes we are in a frugal era and we need to make sure the American people know we are on their side. At the same time, the American people need to know that many of us are willing to say if a shutdown comes and Federal employees get no pay and contractors get no pay, we get no pay and no backpay.

I will have more to say about this as this week unfolds, but before I sit down, please, let's sit down rather than shut down.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I have had a number of conversations over the last few days with my new friend, the junior Senator from Kentucky, Mr. PAUL. He feels very strongly about an issue, and he should have the right to talk about that.

I ask unanimous consent that there be 10 minutes for Senator PAUL to speak prior to my being recognized to have the bill called up; that is, the small business jobs bill, and that Senator PAUL be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. During that morning business time, it will be for debate only by Senator PAUL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

WAR POWERS ACT

Mr. PAUL. Mr. President, I very much thank the majority leader for allowing this important debate to occur.

During his campaign, Candidate Barack Obama said no President should unilaterally initiate military conflict without Congressional authority. I agree with that statement. It is a very important constitutional principle and something that I think deserves debate.

I think the most important thing we do as representatives is voting on whether to go to war. If Congress does not vote to go to war or does not vote on the notion of going to war, we would have an unlimited Presidency, and this is a very dangerous notion.

I would take this position no matter what the party affiliation were of the President because I believe very strongly in the constitutional checks and balances. We will vote today on the President's own words verbatim. During the election, the President said: "The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation."

Clearly, the circumstances in Libya do not rise to this, and I think this vote is incredibly important. Madison wrote that:

The Constitution supposes what history demonstrates. That the executive is the branch most interested in war and most

prone to it. Therefore, the Constitution has with studied care given that power to the legislature.

"Don't tread on me" was a motto and a rallying cry for our Founding Fathers. The motto of Congress appears to be: "Tread on me, please tread on me." The Congress has become not just a rubber stamp for an unlimited Presidency, but, worse, Congress has become a doormat to be stepped upon, to be ignored, and basically to be treated as irrelevant.

Some would say: We had no time. We had to go to war. There was no time for debate. When we were attacked in World War II on December 7, Pearl Harbor, within 24 hours this body came together and voted to declare war on Japan. There is no excuse for the Senate not to vote on going to war before we go to war.

The President had time to go to the United Nations, have a discussion, and a vote. The President had time to go to the Arab League, have a discussion, and a vote. The President had the time to go to NATO. But the President had no time to come to the people's house, to the Congress, and ask, as the Constitution dictates, for the approval of the American people and for the approval of Congress.

Why is this important? It is important because when our Nation was founded, we were founded as a constitutional Republic. We placed limitations not only on the President but on the Congress. We are supposed to obey the Constitution. These are important principles and we have gone beyond that. We have gotten to the point where my question is, Are we even obeying the Constitution in this body?

This is a sad day. This is a sad day for America. The thing is, we need to have checks and balances. Do we want an unlimited Presidency, a Presidency that could take us to war anywhere, anytime, without the approval of Congress?

Some have said: We are going to have a vote sometime, sometime in the next couple weeks. When we get around to it, we may have a debate about Libya. Had the President shown true leadership, the President would have, when he called the United Nations, when he called the Arab League, when he called NATO, the President would have called the leadership of the Senate and the leadership of the House, and we would have been here within 24 hours, having what should be the most momentous debate this body ever has on sending our young brave men and women to war.

We are currently engaged in two wars, and we are now going to be engaged in a third war. The interesting point is, when we went into Iraq and Afghanistan, we had votes in this body. President Bush came to Congress and there were votes.

The War Powers Act—some on the other side say: This is no big deal. The President can do whatever he wants as long as he notifies Congress within a certain period of time.

This is not a correct interpretation of the War Powers Act. The War Powers Act does say he needs to notify Congress. But the War Powers Act also says the President must meet three hurdles before taking our troops into harm's way.

No. 1, there should be a declaration of war or there should be an authorization of force from this body or there should be imminent danger to the Nation. None of those were adhered to. The law was not adhered to.

Some will say: The War Powers Act, no President recognizes it. Well, The War Powers Act is the law of the land, and the President needs to respect not only the statutory law of the land but the Constitution. I do not think these are trivial questions. But I am bemused, I am confused, I do not understand why your representatives are not down here debating such a momentous event as going to war.

I can think of no vote and no debate more important than sending our young men and women to war. It should be done reluctantly. We should go to war only when threatened as a nation. When engaged in two wars, we should debate the prudence of being involved in a third war. These are not trivial questions. I am amazed this body does not take the time to debate whether we should be in Libya.

Some have said: We will debate it next week. The problem is, the debate should occur before we go to war. At this point, we will have a vote. We will have a vote on the President's own words.

I will yield for a minute or two for a question, if that is OK. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEE. Mr. President, what we have with the situation with Libya presents us with a fundamental question, one we have wrestled with for a couple centuries as a nation. The founding era was a time that was fraught with wars. It was a time when we learned that executives sometimes abuse their power. Sometimes they will take us into wars in faraway nations without the support of the people, knowing full well it is the sons and the daughters of the people on the ground who are asked to make the ultimate sacrifice in those battles.

We channeled the war power in the Constitution so as to make sure these debates would always come to the forefront, that they would always be brought up by the elected representatives of the people in Congress. For that reason, although we give power to the President to be the Commander in Chief in article II of the Constitution, in article I of the Constitution, we reserve that power, the power to declare war, to Congress.

This is how we guarantee that the people's voice will be heard and that people's sons and their daughters will not be sent off to war without some public debate and discussion by those